

Appl. No. 09/782,151  
Amtd. dated December 17, 2003  
Reply to Office Action of Sept. 18, 2003

### Remarks

The present amendment responds to the Official Action dated September 18, 2003. The Official Action stated that the attempt to incorporate the co-pending application "Operating Software Performance Monitor" was improper because the serial number of the application had not been provided. The Official Action provisionally rejected claims 1-20 under the doctrine of obviousness-type double patenting. The Official Action rejected claims 1-4, 6-12 and 14-20 under 35 U.S.C. 102(e) as anticipated by Bishop U.S. Patent No. 6,049,798 ("Bishop"). These grounds of rejection are addressed below after a brief description of the present invention to provide context.

The specification has been amended. Claims 1, 15 and 18 have been amended to be more clear and distinct. Claims 1-20 are presently pending.

### The Present Invention

In one aspect, the present invention provides systems and techniques for recording information relating to operating software events as they occur. Various programs and tasks are controlled by the operating system, and performance, scheduling and other information relating to the programs and tasks may be recorded. The information may be maintained in a ledger where it is available for analysis in order to evaluate system performance. This analysis may be performed automatically or by a user, and the results of the analysis can be used to identify parameter changes that can be made in order to improve system performance.

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### The Double Patenting Rejection

The Official Action provisionally rejected claims 1-20 under the doctrine of obviousness-type double patenting as unpatentable over claims 1-10 of co-pending Application No. 09/782,150. With the terminal disclaimer filed herewith, this ground of rejection has been overcome and should be withdrawn.

### The Art Rejection

The Official Action rejected claims 1-4, 6-12 and 14-20 under 35 U.S.C. 102(e) as anticipated by Bishop. In light of the present amendments to claims 1 and 18, this ground of rejection is respectfully traversed. Claim 1, as amended, claims compiling operating software scheduling information capture software as part of an operating system, the operating software scheduling information capture software being operative to record a history of operating software events as they occur, information related to the history being organized and stored as operating software program scheduling information relating to interactions between the operating system software and each of the programs and tasks managed by the operating system software. These features are not taught by Bishop. Bishop teaches systems and techniques for monitoring of resources in a data processing system. Bishop monitors the overall level of resource usage, for example CPU and RAM usage, without concentrating on which individual tasks are using which resource. Bishop monitors peripheral device usage by receiving information from device drivers. The device drivers sometimes provide information about the process using the device, but the information provided by device drivers, and the other resource usage information provided by Bishop, does not include a history of operating software events with information relating to the

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history being organized and stored as operating software program scheduling information relating to interactions between the operating system software and each of the programs and tasks managed by the operating system software, as is claimed by claim 1, as amended. The operating software program scheduling information, as claimed by claim 1, as amended, provides a much more elaborate picture of the interaction between the operating system and the various software components being managed by the operating system than does Bishop. Claim 1, as amended, therefore defines over the cited art and should be allowed.

Claim 15, as amended, claims invoking operating software scheduling information capture software, the operating software scheduling information capture software being operative to record a history of operating software events as they occur, the history being organized and stored as operating software program scheduling information relating to interactions between the operating system software and each of the programs and tasks managed by the operating system software. For the reasons stated above with respect to claim 1, Bishop does not teach these limitations. Claim 15, as amended, therefore defines over the cited art and should be allowed.

Claim 18, as amended, claims a memory coupled to a processor, the memory having stored therein sequences of instructions which, when executed by the processor, cause the processor to invoke operating software scheduling information capture software, the operating software scheduling information capture software being operative to record a history of operating software events as they occur, the history being organized and stored as operating software program scheduling information relating to interactions between the operating system software and each of the programs and tasks managed by the operating system software, and to record operating software capture information. For the reasons stated above with respect to claim 1,

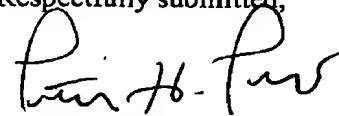
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Bishop does not teach these limitations. Claim 18, as amended, therefore defines over the cited art and should be allowed.

Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



Peter H. Priest  
Reg. No. 30,210  
Priest and Goldstein, PLLC  
5015 Southpark Drive, Suite 230  
Durham, NC 27713-7736  
(919)806-1600